

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

TACTUS TECHNOLOGIES, LLC,

Plaintiff,

v.

HMD GLOBAL OY,

Defendant.

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Case No. 2:20-cv-00040-JRG-RSP

JURY TRIAL DEMANDED

**JOINT MOTION TO WITHDRAW MOTION TO DISMISS FOR
INSUFFICIENT SERVICE AND FOR EXTENSION OF TIME TO RESPOND**

Plaintiff Tactus Technologies, LLC (“Tactus”) and Defendant HMD Global Oy (“HMD Global”) respectfully stipulate and move the Court as follows:

WHEREAS, on February 18, 2020, Tactus filed its complaint in this action against HMD Global (Docket No. 1);

WHEREAS, on June 3, 2020, Tactus filed an Affidavit of Service of the complaint as of May 20, 2020 (Docket No. 5);

WHEREAS, on June 10, 2020, HMD Global filed a motion to dismiss Tactus’s complaint under Fed. R. Civ. P. 12(b)(2), 12(b)(4), and 12(b)(5) for insufficient process and insufficient service of process (Docket No. 6);

WHEREAS, Tactus and HMD Global fully briefed that motion, which remains pending;

WHEREAS, on August 10, 2020, the Finnish central authority completed service under the Hague Convention on HMD Global;

WHEREAS, HMD Global contends that it was not served on May 20, 2020, and thus the Affidavit of Service is improper for the reasons set forth in its papers on the motion to dismiss; Tactus contends that it properly effectuated service on HMD Global on May 20, 2020, and thus the Affidavit of Service is proper for the reasons set forth in its papers on the motion to dismiss; but both Tactus and HMD Global agree that the Court need not expend time and resources to resolve this dispute, in light of the service under the Hague Convention;

NOW, THEREFORE, Tactus and HMD Global hereby stipulate and agree as follows:

1. HMD Global withdraws the motion to dismiss (Docket No. 6).
2. Tactus effected service of process on HMD Global via the Finnish central authority under the Hague Convention on August 10, 2020.
3. HMD Global shall respond to the Complaint on or before September 21, 2020.
4. This stipulation shall not affect other deadlines in this action.

IT IS SO STIPULATED.

Dated: August 12, 2020

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Respectfully submitted,

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